



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/851,040	05/05/97	VISSER	B 17342-000500

TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO CA 94111-3834

PM31/0529

EXAMINER MAI, L	
ART UNIT 3621	PAPER NUMBER 5

DATE MAILED: 05/29/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/851,040

Applicant(s)  
Vissner

Examiner  
L. Mai

Group Art Unit  
3621



☒ Responsive to communication(s) filed on May 5, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-36 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3621

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Searcy.

Each of the store rooms (66, 64, 116) is a separate store by itself, separating walls (80, 70, 68, 120, 124, 22, 24), aisle is the space that enables walking though; outside entrance (A, B, C). The single door is equivalent to the double doors. Each store (room) would be managed by a different salestaff as commonly done in most department stores such as Macy's, Nordstrom, Bloomingdale's, etc.

In addition, the examiner takes Judicial Notice that in most department stores such as Macy's, Nordstrom, Bloomingdale's, etc., there are separate sections/departments (with orthogonal walls and distinct entrances) reserved for special merchandises such as designer's, furs, evening wears, etc. that could be considered as "separate stores" which are managed by separate salestaff from other sections/departments. Customers would be able to walk through those sections/departments and able to view the merchandises in other sections/departments when looking down the aisle/walk-through spaces.

Furthermore, the examiner takes Judicial Notice that in many malls such as Potomac Mills, Tysons Corner, Pentagon City Mall located in Northern Virginia, there are separate stores (with orthogonal walls and distinct entrances) each specializes in one type of merchandises such as

Art Unit: 3621

furniture, clothing, toys, etc. that is managed by their owned salestaff. Since most mall lay-outs include distinct wings, many stores would have both inside and outside entrances. Customers would be able to walk through those sections/departments and able to view the merchandises in other stores when looking down the aisle/walk-through spaces.

Claims 25-36 are inherent method of presenting inventory items in the department stores or stores in malls.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bergquist, Lockard et al., Sweeten et al., Mehran.

Any inquiry concerning this communication should be directed to examiner L. Mai at telephone number (703) 308-2168.



LANNA MAI  
PRIMARY EXAMINER  
GROUP 3600

lm

5-22-98